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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,229	03/31/2004	Karl Pfleger	0026-0073	3872
44989	7590	10/08/2008	EXAMINER	
HARRITY & HARRITY, LLP			WOO, ISAAC M	
11350 Random Hills Road			ART UNIT	PAPER NUMBER
SUITE 600			2166	
FAIRFAX, VA 22030				
			MAIL DATE	DELIVERY MODE
			10/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,229	PFLEGER, KARL	
	<b>Examiner</b>	<b>Art Unit</b>	
	ISAAC M. WOO	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 August 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5, 7-14, 16, 19-43 and 54-59 is/are pending in the application.

4a) Of the above claim(s) 20-43 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-5, 7-14, 16, 19 and 54-59 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. This action is in response to application, filed on August 01, 2008 has been considered but are deemed moot because of Restriction Request below.
2. Claims 1-2, 7, 19, 54 are amended. Claims 54-59-are new. Claims 1-5, 7-14, 16, 19-43 and 54-59 are pending (claims 20-43 are withdrawn).

***Election/Restrictions***

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even through the requirement be traversed (37 CFR 1.143). Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 7-14, 16 and 19, drawn to for searching stored data based on the one or more search queries to results, where the identified results are orderable by one or more search characteristics, providing a document that includes a multi-dimensional graph of the identified results at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph, which is data or document searching, classified in class 707, subclass 3.
- II. Claims 54-58, drawn to for causing additional information associated with one identified results to be displayed when a cursor is located over the visual representation that represents the one identified result, which is graphical user interface with tool tip with cursor position based display, classified in class 715, subclass 711.
- III. Claim 59, drawn to for searching stored data based on the one or more search query to identify product results and proving product results, which is providing product item, classified in class 705, subclass 27.

4. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I can be used for searching stored data based on the one or more search queries to results, where the identified results are orderable by one or more search characteristics, providing a

document that includes a multi-dimensional graph of the identified results at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph, which is data or document searching. Invention II can be used for causing additional information associated with one identified results to be displayed when a cursor is located over the visual representation that represents the one identified result, which is graphical user interface with tool tip with cursor position based display. Invention III can be used for searching stored data based on the one or more search query to identify product results and proving product results, which is providing product item. See MPEP 806.05(d).

5. Because these inventions are distinct for reasons given above and have acquired separate status in the art as shown their different classification, restriction for examination purpose as indicated is proper.
6. Because these inventions are distinct for the reasons given above and the search required for Group I and II are not required for Group III each other, restriction for examination purposes as indicated is proper.
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even through the requirement be traversed (37 CFR 1.143).

9. Applicants is reminded that upon the cancellation of claims to be non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC M. WOO whose telephone number is (571)272-4043. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac M. Woo/  
Primary Examiner, Art Unit 2166

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Art Unit: 2166

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